

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 29, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JESSE DYE,

Plaintiff,

v.

SUSAN WOODARD,

Defendant.

No: 1:23-CV-03006-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
LOCAL CIVIL RULE 41(b)(2)

On January 13, 2023, the District Court Clerk advised Plaintiff of the deficiencies with his Application to Proceed *in Forma Pauperis*. ECF No. 4. Plaintiff was informed that, before the Court can proceed with his action, he must either complete and return the Acknowledgment and Authorization form that was enclosed with the deficiency letter, or pay the \$402.00 filing fee. *Id.*

Also included in the deficiency letter was an instruction that Plaintiff must keep the Clerk of Court informed of any change of address: "If you do not provide written notice of your change of address, the District Court Executive/Clerk cannot be responsible for your inability to receive Court orders and correspondence." ECF

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No. 4. Local Civil Rule 41(b)(2) also requires a *pro se* litigant to inform the Court and opposing parties of his current mailing address.

A copy of the deficiency letter was sent to Plaintiff at Yakima County Jail but was returned as undeliverable on February 25, 2023. ECF No. 5. Local Civil Rule 41(b)(2) states, “If mail directed to a *pro se* plaintiff is returned by the Postal Service, . . . and if such plaintiff fails to notify the Court and opposing parties within 60 days thereafter of his or her current mailing or email address, the Court may dismiss the action.” Because Plaintiff has failed to comply with Local Civil Rule 41(b)(2) by keeping the Court apprised of his current address, the Court dismisses this action without prejudice.

Accordingly, **IT IS ORDERED:**

1. Plaintiff’s Complaint, **ECF No. 1**, is **DISMISSED without prejudice**.

2. The District Court Clerk is directed to **CLOSE** the file.

IT IS SO ORDERED. The District Court Clerk is **DIRECTED** to enter this Order and provide a copy of this Order to Plaintiff at his last known address.

DATED March 29, 2023.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Senior United States District Judge